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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/811,816

03/30/2004

Hiromitsu Yamakawa

25-273

2853

40615 7590 03/09/2007

ARNOLD INTERNATIONAL

P. O. BOX 129

GREAT FALLS, VA 22066-0129

EXAMINER

PHAM, HAI CHI

ART UNIT

PAPER NUMBER

2861

MAIL DATE

DELIVERY MODE

03/09/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/811,816

Applicant(s)

YAMAKAWA, HIROMITSU

Examiner

Hai C. Pham

Art Unit

2861

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 16 February 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because:
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: 18 and 20.
Claim(s) rejected: 1-17 and 19.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

Hai C. Pham
HAI PHAM
PRIMARY EXAMINER
03/05/07

Continuation of 11. does NOT place the application in condition for allowance because:

Applicant's arguments are not persuasive. Applicant argued that "an f-theta lens is not an imaging lens and vice-versa", and that the f-theta lens has large optical aberration designed into it. The examiner respectfully disagrees. The f-theta lens is an imaging lens with the specific function of flattening the field of curvature at the surface as it is scanned by the light beam. The f-theta lens further corrects the aberration of the light beam reflected by the polygon mirror such that the light beam is accurately placed on a focal point of the scanned surface to form an image. In other words, the f-theta lens is known as a scan-imaging lens to those skilled in the art while the term "imaging lens" is a broad term used to define a lens for focusing the light beam to form an image on the surface with or without scanning so as to include the f-theta type lens.

Applicant further argued that the f-theta lens and the imaging lens can have different structure and function, and that the incident light beam is parallel in the case of an f-theta lens and is non-parallel in the case of an imaging lens. However, none of these has been incorporated into the claims, and the use of the terminology "imaging lens" in claiming the lens for forming an image along with the limitations associated to the lens as currently claimed does not distinguish the structure and use of the claimed lens from that of a conventional scan-imaging lens. Moreover, the following phrase "a surface to be scanned" [by the laser beams through the imaging lens] found in claims 6 and 11, which defines the related function of the imaging lens, further points to a scan-imaging lens. Therefore, the claimed limitations are still read on the teachings of the applied art as indicated in the previous Office action issued on 11/17/2006.

HCP

March 5, 2007